

REMARKS

Applicant submits this Response in reply to the Final Office Action mailed September 19, 2005. Claims 1-16 remain in the application. The Applicant was given three months from the time of mailing to respond to the Office Action submitted by the Examiner. Applicants have attached a RCE (Request for Continued Examination) to this Response. In addition, a three month extension of time has been requested.

103(a) Rejection

In the Office Action dated September 19, 2005, the Examiner rejected Claims 1-16 under 35 U.S.C. 103(a) as being unpatentable over Rabne et al., (U.S. Patent No. 6,006,332) in view of Chan et al., (U.S. Patent No. 6,505,300). Applicants respectfully traverse this rejection as applied to Claims 1-16, and request reconsideration for the following reasons.

For a rejection under 35 U.S.C. § 103(a), the combination of references must teach or suggest each and every limitation as arranged in the claims at issue. In this situation, the combination of references cited by the Examiner fails to teach or suggest each and every limitation of independent Claims 1 and 9, as will be explained in the following descriptions of the individual references.

Independent Claim 1 recites: A dynamic file access control and management system configured to access one or more content sources, including a set of content, said system comprising:

- A. a proxy system linked to said one or more content sources, said proxy system comprising an access control module configured to selectively obtain content comprising data blocks from said content sources as a function of an authorization of a user requesting said content and a set of access policies;
- B. a rights management module configured to generate a set of usage rights associated with said content as a function of a set of predefined usage policies associated with said content for said user;
- C. at least one client device having a client module configured to interface to a client operating system kernel, said client module configured to enforce the set of usage rights within the operating system kernel; and
- D. one or more communication means, via which said content and said usage rights are provided to said client device.

Rabne, in contrast, discloses a system for controlling access to digitized data utilizing a secure rights management server. As stated in Claim 1 - Part C above, Rabne did not explicitly state a client module configured to interface to a client operating system kernel and configured to enforce a set of usage rights within the operating system kernel. The Examiner agreed with this statement and stated so in the present Office Action. (see page 3, item 10). Therefore, this aspect of claim 1 is not made obvious by Rabne.

Rabne, in contrast, also does not disclose a system which accesses digitized data in data blocks but rather does so in files. In the Office Action, the Examiner cites Rabne, column 7, lines 5-9 and column 8, lines 55-67 and states that the system's digitized data "inherently" comprises data blocks. The references cited by the Examiner make no reference to data blocks. As stated in Applicant's earlier Response dated July 5, 2005, Rabne does not operate on data blocks as defined in Applicant's Claim 1. Rabne discloses operating on files. For instance, a text RM browser may be downloaded for text files and an image RM browser may be downloaded for image files, as shown in Rabne's FIG. 2. In contrast, the Applicant teaches that individual blocks, not files, can be accessed, transmitted, and encrypted. (see Application p.57, line 10, p.63, lines 6-7). Claim 1 expressly addresses a module "configured to selectively obtain content comprising data blocks ..." (emphasis added). The reading of entire files, as required by Rabne, will decrease the speed at which a data-stream is handled. Since Rabne teaches only transmission of the entire files, see FIG. 2, within its environment, but does not teach operating on data blocks, this aspect of claim 1 is not rendered obvious by Rabne. The Applicants respectfully submit that Rabne accordingly does not teach or suggest the present invention as claimed in independent claim 1 cited by the Examiner for the instant rejection.

Chan, in contrast to the Applicants' claimed subject matter, discloses that the content downloaded from the internet may be controlled if it is untrusted. (Col. 5, lines 32-55) Chan only teaches about controlling the execution of the code that is downloaded from a remote host, where the content may have a token associated with it for determining its level of trustworthiness.

Chan only teaches that the execution of the code can be controlled. Claim 1 does not teach that the execution of the code can be controlled. Rather, Claim 1 teaches that specific classes of content can have the actions that a *user* may initiate on them. Claim 1 does not teach controlling code execution. Instead, application or script files are all free to execute. In doing so,

those pieces of code can do what they please. Claim 1 only teaches the control of what a user can do with a file. There is no connection between a piece of code taking an action, as disclosed in Chan, and a user taking an action, as defined in Claim 1. Therefore, this aspect of claim 1 is not made obvious by Chan.

In addition, Chan, discloses that a user-mode application must be rewritten to provide security. In contrast, Claim 1 teaches a method of rights enforcement, from deep within the operating system - in the kernel, that does not require application rewrites. Therefore, Chan does not teach or suggest the present invention as defined in independent Claim 1.

Accordingly, Applicants respectfully submit that Claim 1 is patentable over the cited references because none of the cited prior art references, whether considered alone or in combination, teach or suggest the limitations recited in Claim 1. The rejection of Claim 1 under 35 U.S.C. § 103(a) is therefore without proper basis and should consequently be withdrawn.

Because claims 2-8 depend from Claim 1, providing further limitations to Claim 1, they are therefore patentable for at least the same reasons described previously for Claim 1.

Because independent Claim 9 recites a method of dynamic access control and management of content, similar to the apparatus language of Claim 1, Claim 9 is also patentable for at least the same reasons described previously for Claim 1.

Because claims 10-16 depend from Claim 9, providing further limitations to Claim 9, they are therefore patentable for at least the same reasons described previously for Claim 9.

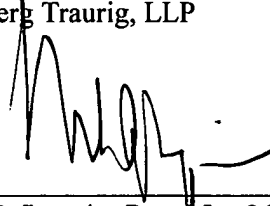
CONCLUSION

Applicant submits that Claims 1-16 are remaining in the application, and are now in condition for allowance. Passage to issue is requested.

In the event that a telephone conversation would further prosecute and/or expedite allowance, the Examiner is invited to contact the undersigned at (617) 310-6000. Applicants have attached a RCE (Request for Continued Examination) and a three month extension of time.

However, should any other extension or fee be required, Applicant hereby petitions for same and requests that such and any other fee required for timely consideration of this application be charged to Deposit Account No. 50-2678.

Respectfully Submitted,
Greenberg Traurig, LLP



Mark G. Lappin, Reg. No. 26,618
Attorney for Applicant

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One International Place
Boston, MA 02110
Telephone: 617-310-6000
Facsimile 617-310-6001